

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PACIRA BIOSCIENCES, INC.,

Plaintiff,

v.

AMERICAN SOCIETY OF AMERICAN
ANESTHESIOLOGISTS, INC., et al.,

Defendants.

Case No. 2:21 Civ. 09264

**[PROPOSED] ORDER
GRANTING MOTION FOR
PRELIMINARY INJUNCTION**

This matter having come before the Court on the motion of Plaintiff Pacira BioSciences, Inc., (“Plaintiff”) for a preliminary injunction under Fed. R. Civ. P. 65; and the Court having considered the briefing, exhibits, and declarations in support of the motion; and for good cause shown:

IT IS on this _____ day of _____, 2021 ORDERED that

1. Defendant American Society of Anesthesiologists (“ASA”) will remove the following materials from its website:

- a. *Perineural Liposomal Bupivacaine Is Not Superior to Nonliposomal Bupivacaine for Peripheral Nerve Block Analgesia: A Systematic Review and Meta-analysis*, authored by Defendants Nasir Hussain, Richard Brull, Brendan Sheehy, Michael K. Essandoh, David L. Stahl, Tristan E. Weaver, and Faraj W. Abdallah;
- b. *Clinical Effectiveness of EXPAREL Administered by Infiltration or Peripheral Nerve Block to Treat Postoperative Pain: A Narrative Review*, authored by Brian M. Ilfeld, James C. Eisenach, and Rodney A. Gabriel;

- c. *Liposomal Bupivacaine: Effective, Cost-effective, or (Just) Costly*, authored by Mary Ellen McCann;
- d. The February 2021 *Anesthesiology* podcast and accompanying podcast transcript; and
- e. The February 2021 Continuing Medical Education (“CME”) quiz questions related to the February 2021 issue of *Anesthesiology*.

2. Defendant ASA shall publish a retraction of items (a)-(e) above in the next issue of *Anesthesiology*.

3. Individual defendants Evan D. Kharasch, Nasir Hussain, Richard Brull, Brendan Sheehy, Michael K. Essandoh, David L. Stahl, Tristan E. Weaver, Faraj W. Abdallah, Brian M. Ilfeld, James C. Eisenach, Rodney A. Gabriel, and Mary Ellen McCann will refrain from publishing or further disseminating items 1(a)-(e).

HON.
UNITED STATES DISTRICT JUDGE